

JAN. 26. 2004 11:10AM

858 792-6773 FOLEY AND LARDNER

NO. 7667- -P. 1-

**FOLEY & LARDNER**  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYANDLARDNER.COM

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**FACSIMILE TRANSMISSION**

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TO:	PHONE #:	FAX #:
Art Group 1651 U.S. Patent and Trademark Office		(703) 872-9306

From : Richard San Pietro  
Email Address : rsanpietro@foleylaw.com  
Sender's Direct Dial : 858.847.6717  
Date : 1/26/2004  
App. Serial Number : 10/066,285  
Client/Matter No : 074066-0115  
User ID No : 0079

**OFFICIAL**

Transmitted herewith for filing in the above patent application are the following:

1. Transmittal (2 pages); and
2. Amendment (12 pages).

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Atty. Dkt. No. 074066-0115

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory M. Fahy

Title: Polyglycerol and Lactose  
Compositions for the Protection of  
Living Systems from States of  
Reduced Metabolism

Appl. No.: 10/066,285

Filing Date: 02/01/2002

Examiner: Sandra E. Saucier

Art Unit: 1651

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I hereby certify that this paper is being facsimile transmitted to the  
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LINNE GOUYER  
(Printed Name)  
Linne Gouyer  
(Signature)  
January 26, 2004  
(Date of Deposit)

AMENDMENT TRANSMITTAL

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

The fee required for additional claims is calculated below:

	Claims As Amende d	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	38	-	37	= 1 x \$18.00	= \$18.00
Independents:	4	-	4	= 0 x \$86.00	= \$0.00
CLAIMS FEE TOTAL					= \$18.00

Atty. Dkt. No. 074066-0115

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ X ] Extension for response filed within the first month:	\$110.00	\$110.00
	EXTENSION FEE TOTAL:	<u>\$110.00</u>
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	<u>\$128.00</u>
[ X ]	Small Entity Fees Apply (subtract ½ of above):	<u>\$64.00</u>
	TOTAL FEE:	<u>\$64.00</u>

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$64.00. A duplicate copy of this transmittal is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date Jan. 26, 2004

Respectfully submitted,

Stephen E. Reiter  
FOLEY & LARDNER  
Customer Number: 30542  
Telephone: (858) 847-6717  
Facsimile: (858) 792-6773

By Richard San Pietro  
Richard San Pietro  
Attorney for Applicant  
Registration No. 45,071

Atty. Dkt. No. 074066-0115

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JAN 26 2004

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Art Unit: 1651

Confirmation Number 3778

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<u>LINÉ GAUTHIER</u> (Printed Name)	
<u>Liné Gauthier</u> (Signature)	
January 26, 2004 (Date of Deposit)	

**RESPONSE TO OFFICE ACTION**Mail Stop Non-Fee Amendment  
Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

**Introductory Comments**

This communication is responsive to the Office Action mailed September 26, 2003,  
concerning the above-referenced patent application.

The Listing of Claims begins on p. 2.

The Remarks begin on page 6.